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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,647	07/26/2000	Shashi Ramamurthy	411951-185	6325

7590 07/16/2003

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EXAMINER

YANG, CLARA I

ART UNIT	PAPER NUMBER
2635	

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/625,647

Applicant(s)

RAMAMURTHY ET AL.

Examiner

Clara Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 29 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 29 May 2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Response to Arguments

2. Applicant's arguments filed on 29 May 2003 regarding Claims 1 - 23 have been fully considered but they are not persuasive.

In response to the Applicant's argument on pages 11 - 12 that Holtzman is silent on "using data stored on an RFID tag to identify the manner (i.e., destination and/or protocol) in which the RFID tag's information is to be transmitted", Holtzman teaches in Fig. 1 and Col. 3, lines 57 - 64, that computer 10 is capable of establishing connections to and exchanging data with any other computer or "node" on network 25, wherein network 25 uses transmission control protocol/Internet protocol (TCP/IP). To establish a connection, Holtzman discloses that token 20 or RFID tag supplies a message and a destination address via reader 15 to computer 10's TCP/IP software, causing computer 10's TCP/IP software to communicate the address to network 25, which routes the message appropriately (see Col. 3, lines 64 - 67 and Col. 4, lines 1 - 12). As indicated in Fig. 1, Holtzman's computer 10 is connected to a plurality of destinations (i.e., servers 30a, 30b, and 30c) via IP network 25. Consequently, Holtzman does teach using data stored on token 20 to identify the destination and protocol in which token 20's information is to be transmitted and to communicate the data stored on token 20 to external systems connected to RFID reader 15 in accordance with the processing information as required by

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Claims 1 and 15. In addition, because Holtzman's token 20 is able to transmit a message and the destination address to computer 10, thereby enabling computer 10's TCP/IP software to communicate the address to network 25 for routing the message appropriately (see Col. 3, lines 64 - 67 and Col. 4, lines 1 - 12), it is inherent that token 20 comprises a memory space for storing at least one destination addresses, which also functions as a protocol identifier, as required by Claim 21.

Regarding the argument on page 12 that "McDonald also fails to disclose a computer network comprising: 'a server having a plurality of application programs operating thereon...'", because the Examiner rejected Claims 1 - 11 and 15 - 23 under 35 U.S.C. § 102 (e) as being anticipated by Holtzman, not McDonald, it is understood that the Applicant is referring to the Holtzman reference. Moreover, as shown in Fig. 1, Holtzman's computer network comprises: (a) an RFID reader 15 connected to servers 30 via client computer 10 and IP network 25; and (b) servers 30 having a plurality of application programs, such as a text editor, graphics editor, sound editor, web page editor, word processor, etc. (see Col. 4, lines 2 - 12; Col. 6, lines 25 - 30; Col. 11, lines 56 - 67; and Col. 12, lines 1 - 17).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1 - 11 and 15 - 23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,400,272 (Holtzman et al.).

Referring to Claims 1 and 5 - 7, Holtzman discloses an RFID reader 15, as shown in Figs. 1, 2, and 5, comprising: (a) transceiver 118 or radio module; (b) microcontroller 112 or processor connected to transceiver 118 for providing transmit and receive commands to transceiver 118 (see Col. 7, lines 48 - 67; Col. 8, lines 1 - 67; and Col. 9, lines 1 - 42); and (c) computer 10 with main memory 54 for storing program instructions (see Col. 4, lines 15 - 17 and 33 - 35). Holtzman teaches that RFID reader 15's program instructions include: (d) detecting data received from at least one token 20 or RFID tag (see Col. 3, lines 14 - 25; Col. 7, lines 59 - 67; and Col. 8, lines 1 - 4); (e) determining the processing information from the message and destination address transmitted by token 20 (see Col. 3, lines 57 - 67 and Col. 4, lines 1 - 12); and (f) communicating information to servers 30a - 30c or external systems via IP network 25 in accordance with the detected destination address and proper protocol (see Col. 3, lines 57 - 67; Col. 4, lines 1 - 12). As shown in Fig. 1, Holtzman's computer network comprises: (a) servers 30 having a plurality of application programs, such as a text editor, graphics editor, sound editor, web page editor, word processor, etc. (see Col. 4, lines 2 - 12; Col. 6, lines 25 - 30; Col. 11, lines 56 - 67; and Col. 12, lines 1 - 17); (b) at least one client computer 10 connected to servers 30 via IP network 25; and (c) an RFID reader 15 connected to servers 30 via client computer 10 and IP network 25. Holtzman's RFID reader 15 is adapted to communicate with a plurality of tokens 20, each having a memory, and to provide a data packet to an application program selected in accordance with data stored in token 20's memory (see Col. 3, lines 3 - 7 and 25 - 56; Col. 4, lines 2 - 12; Col. 7, lines 59 - 67; Col. 8, lines 1 - 4; Col. 11, lines 41 - 55; and Col. 12, lines 4 - 7).

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Regarding Claims 2 and 8, to establish a connection, Holtzman discloses that token 20 supplies a message and the destination address via reader 15 to computer 10's TCP/IP software, causing computer 10's TCP/IP software to communicate the address to network 25 and route the message appropriately (see Col. 3, lines 57 - 67; Col. 4, lines 1 - 12, 15 - 17, and 33 - 35; Col. 11, lines 22 - 55; and Col. 12, lines 28 - 36 and 55 - 58). It is understood that the message and destination address supplied by token 20 are stored in its memory.

Regarding Claims 3 and 9, because Holtzman discloses that upon receiving a message and destination address from token 20, computer 10's TCP/IP software communicates the address to network 25, which routes the message appropriately, it is implied that the destination address sent by token 20 indicates the proper protocol of a particular application, such as electronic mail (email), content player, graphics editor, word processor, etc., and is forwarded to network 25 for routing to the desired server and/or application (see Col. 12, lines 4 - 36).

Regarding Claims 4 and 10, per Holtzman, the program instructions for RFID reader 15 further include periodically transmitting an interrogation signal to communicate with RFID tags (see Col. 9, lines 8 - 12).

Regarding Claim 11, Holtzman expresses that at least one of the application programs is an email program for sending an email message to a destination computer identified by the data (see Col. 11, lines 41 - 55).

Referring to Claim 15, Holtzman's method for reading an RFID tag comprises: (a) interrogating an RFID tag (see Col. 3, lines 3 - 7); (b) receiving RFID tag information that includes identifying data (see Col. 3, lines 14 - 25); and (c) processing the RFID tag information

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in accordance with the identifying data (see Col. 11, lines 32 – 34 and 48 – 52; and Col. 12, lines 10 – 17).

Regarding Claim 16, Holtzman's method also includes communicating an RFID tag's stored information with a destination system indicated by a destination address contained in the RFID tag's data (see Col. 9, lines 55 – 62; Col. 11, lines 15 – 21, and 32 – 55; Col. 12, lines 28 – 36 and 55 – 58).

Regarding Claim 17, Holtzman states that an RFID tag's identifying data defines a protocol used by the RFID tag and communicates stored information in accordance with the protocol (see Col. 3, lines 40 – 56; Col. 7, lines 59 – 67; Col. 8, lines 1 – 67; and Col. 9, lines 1 – 42).

Regarding Claim 18, Holtzman discloses that an RFID tag's identifying data further defines a software application used for processing the stored information and communicates the stored information to the software application (see Col. 6, lines 25 – 30; Col. 11, lines 41 – 55; and Col. 12, lines 4 – 21).

Regarding Claim 19, Holtzman imparts that an RFID tag's access criteria can include a Uniform Resource Locator (URL) for an email server or a web page (see Col. 3, lines 57 – 67; Col. 9, lines 55 – 62; Col. 4, lines 40 – 46; Col. 10, lines 23 – 30; and Col. 11, lines 32 – 40). Because a URL is a textual address that is translated into correlating IP address via a domain name server, it is understood that RFID tag's access criteria comprises an IP address.

Regarding Claim 20, because Holtzman teaches that computer 10 and a remote node use hypertext transfer protocol (HTTP) to communicate (see Col. 10, lines 18 – 23), it is understood that an RFID tag's access criteria also includes a protocol identifier comprising Port Number 80 to indicate the use HTTP.

Referring to Claim 21, Holtzman's RFID tag or transponder comprises either a read-only memory or an electrically erasable programmable read-only memory (EEPROM) for storing a unique digital identifier (see Col. 3, lines 17 - 39), a protocol identifier (see Col. 8, lines 22 - 37 and 51 - 58), and at least a destination address identifier (see Col. 3, lines 64 - 67; Col. 4, lines 1 - 12; Col. 6, lines 11 - 14; Col. 9, lines 30 - 32 and 55 - 62; Col. 11, lines 32 - 40 and 48 - 55; and Col. 12, lines 28 - 36). Holtzman further discloses that (1) computer 10's TCP/IP software is able to communicate a received destination address to network 25, which then routes the message appropriately (see Col. 3, lines 64 - 67 and Col. 4, lines 1 - 12); and (2) information received from token 20 can be used to control a document or file by accessing the associated application, such as email, content players, graphics editor, word processor, etc. (see Col. 12, lines 4 - 21), thus implying that the message received from token 20 contains application-specific protocol and data format.

Regarding Claim 22, Holtzman imparts that an RFID tag's access criteria can include a Uniform Resource Locator (URL) for an email server or a web page (see Col. 3, lines 57 - 67; Col. 9, lines 55 - 62; Col. 4, lines 40 - 46; Col. 10, lines 23 - 30; and Col. 11, lines 32 - 40). Because a URL is a textual address that is translated into correlating IP address via a domain name server, it is understood that token 20's access criteria comprises an IP address as a destination address identifier.

Regarding Claim 23, because Holtzman teaches that computer 10 and a remote node use hypertext transfer protocol (HTTP) to communicate (see Col. 10, lines 18 - 23), it is understood that an token 20's access criteria also includes a protocol identifier comprising Port Number 80 to indicate the use HTTP.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 12 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtzman et al. U.S. Patent No. 6,400,272 as applied to Claim 5 above, and further in view of McDonald U.S. Patent No. 6,211,781.

Regarding Claim 12, Holtzman fails to teach that an email message sent from computer 10 to a remote node contains at least one of time and date of communication by RFID reader 15 and the RFID tag.

In an analogous art, McDonald's tag reader 102 sends tag information to network 17. According to McDonald, the information includes the tag code, a tag reader code, and date and time tag reader 102 received the response signal from the tag (see Col. 4, lines 19 - 26 and Col. 6, lines 17 - 23).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the computer network of Holtzman as taught by McDonald because providing time and date data enables the network to track the frequency and locations of tag usage, thus improving the network's tracking function.

Regarding Claims 13 and 14, one of Holtzman's plurality of application programs include a web browser 80 (see Fig. 2) and website hosting programs at servers 30 (see Col. 5, lines 21 - 26; Col. 11, lines 15 - 21; and Col. 12, lines 28 - 36). Holtzman teaches that RFID tag information is only available to a computer system identified in the RFID tag data (see Col. 4, lines 5 - 8; and Col. 11, lines 32 - 40 and 48 - 55) and also teaches the RFID tag information be displayed on computer 10 (see Col. 13, lines 50 - 63). Holtzman, however, is silent on a website hosting program for posting information on a website regarding an RFID tag.

McDonald's computer network 117 comprises the Internet or an intranet and allows a user to view the location or replay the location history of any mail piece that is affixed to tag 119 (see Col. 6, lines 35 - 44 and 51 - 64). Here it is understood that the location and location history data of each mail piece are posted on a website for a user to access either via the Internet or an intranet.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the computer network of Holtzman as taught by McDonald because posting tag information on a website improves a user's accessibility to tag data.

❧

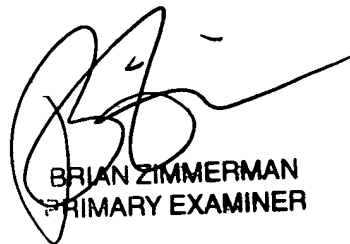
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (703) 305-4086. The examiner can normally be reached on 8:30 AM - 7:00 PM, Monday - Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

CY
July 14, 2003



BRIAN ZIMMERMAN
PRIMARY EXAMINER